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Attorneys for Plaintiff
PALMTREE ACQUISITION CORPORATION, a Delaware
corporation f/k/a Catellus Development Corporation

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PALMTREE ACQUISITION CORPORATION, a
Delaware corporation,

Plaintiff,

vs.

MICHAEL R. NEELY, an individual; PERRY J.
NEELY, an individual; GARY NEELY, an
individual; MICHAEL R. NEELY, PERRY J.
NEELY and GARY NEELY dba MIKE'S ONE
HOUR CLEANERS; CHARLES FREDERICK
HARTZ dba PAUL'S SPARKLE CLEANERS;
CHARLES F. HARTZ, an individual;
MULTIMATIC CORPORATION, a New Jersey
corporation; WESTERN STATES DESIGN, a
California corporation; MCCORDUCK
PROPERTIES LIVERMORE, LLC, a Delaware
limited liability company individually and as the
successor to JOHN MCCORDUCK, KATHLEEN
MCCORDUCK, PAMELA MCCORDUCK,
SANDRA MCCORDUCK MARONA, and IMA
FINANCIAL CORPORATION, a California
corporation; STARK INVESTMENT COMPANY,
a California general partnership; GRUBB & ELLIS
REALTY INCOME TRUST, LIQUIDATING
TRUST, a California trust; and DOES 1-20,
inclusive,

Defendants.

CASE NO. CV 08 3168 MHP

**STIPULATION AND ~~PROPOSED~~
ORDER TO FILE FIRST AMENDED
COMPLAINT**

1 WHEREAS, plaintiff and all of the defendants who have appeared and are represented by
2 counsel desire to file the First Amended Complaint;

3 WHEREAS, defendant Grubb & Ellis Realty Income Trust, Liquidating Trust has not
4 appeared, is not represented by counsel and claims to have dissolved and to no longer exist;

5 WHEREAS, the First Amended Complaint adds as a defendant Northrop Grumman Systems
6 Corporation ("Northrop");

7 WHEREAS, the plaintiff and the defendants except for Grubb & Ellis Realty Income Trust,
8 Liquidating Trust, have reached a settlement with Northrop, and a condition of the settlement is that
9 this Court approve the settlement as a good faith settlement pursuant to California Code of Civil
10 Procedure Section 877.6;


11 WHEREAS, it is necessary to add Northrop as a defendant in order to obtain the good faith
12 determination from this Court.

13 THEREFORE, IT IS HEREBY STIPULATED by and between attorneys for plaintiff and the
14 defendants except for Grubb & Ellis Realty Income Trust, Liquidating Trust, that plaintiff be granted
15 leave to file the First Amended Complaint, a copy of which is attached as Exhibit A, on or before July
16 16, 2010.

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18 APPROVED AS TO FORM AND CONTENT.

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21 DATED: June 21, 2010

COX, CASTLE & NICHOLSON LLP

22
23 By: 
24 Stuart I. Block
25 Peter M. Morrisette
26 Attorneys for Plaintiff
27 PALMTREE ACQUISITION CORPORATION, a
28 Delaware corporation f/k/a Catellus Development
Corporation

1 DATED: June __, 2010

Bassi, Edlin, Horie & Blum LLP
BASSI-MARTINE-EDLIN & BLUM, LLP

2
3
4 By: 

Noel Edlin

Attorneys for Defendants

MICHAEL R. NEELY, an individual; PERRY J.
NEELY, an individual; GARY NEELY, an
individual; MICHAEL R. NEELY, PERRY J.
NEELY and GARY NEELY dba MIKE'S ONE
HOUR CLEANERS

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8
9 DATED: June __, 2010

GONSALVES & KOZACHENKO

10
11
12 By: _____

Selena P. Ontiveros

Attorneys for Defendant

STARK INVESTMENT COMPANY, a California
general partnership

13
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15
16 DATED: June __, 2010

DONGELL LAWRENCE FINNEY LLP

17
18 By: _____

Thomas F. Vandenburg

Attorneys for Defendant

MULTIMATIC CORPORATION, a New Jersey
corporation

1 DATED: June __, 2010

BASSI MARTINI EDLIN & BLUM, LLP


2
3
4 By: _____

Noel Edin
Attorneys for Defendants
MICHAEL R. NEELY, an individual; PERRY J.
NEELY, an individual; GARY NEELY, an
individual; MICHAEL R. NEELY, PERRY J.
NEELY and GARY NEELY dba MIKE'S ONE
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HOUR CLEANERS

DATED: June ²¹_, 2010

GONSALVES & KOZACHENKO

By: _____


Selena P. Ontiveros
Attorneys for Defendant
STARK INVESTMENT COMPANY, a California
general partnership

DATED: June __, 2010

DONGELL LAWRENCE FINNEY LLP

By: _____

Thomas F. Vandenburg
Attorneys for Defendant
MULTIMATIC CORPORATION, a New Jersey
corporation

1 DATED: June __, 2010

BASSI MARTINI EDLIN & BLUM, LLP

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3
4 By: _____
Noel Edin
Attorneys for Defendants
5 MICHAEL R. NEELY, an individual; PERRY J.
6 NEELY, an individual; GARY NEELY, an
individual; MICHAEL R. NEELY, PERRY J.
7 NEELY and GARY NEELY dba MIKE'S ONE
8 HOUR CLEANERS

9 DATED: June __, 2010

GONSALVES & KOZACHENKO

10
11 By: _____
12 Selena P. Ontiveros
Attorneys for Defendant
13 STARK INVESTMENT COMPANY, a California
14 general partnership

15
16 DATED: June 23, 2010

DONGELL LAWRENCE FINNEY LLP

17
18 By: _____
19 Thomas F. Vandenburg
Attorneys for Defendant
20 MULTIMATIC CORPORATION, a New Jersey
21 corporation
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1 DATED: June 22, 2010

ROGERS JOSEPH O'DONNELL

3
4 By: 

Robert C. Goodman
Attorneys for Defendant
CHARLES FREDERICK HARTZ dba PAUL'S
SPARKLE CLEANERS; CHARLES F. HARTZ,
an individual

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6
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8 DATED: June __, 2010

GORDON WATROUS RYAN LANGLEY BRUNO
& PALTENGHI INC.

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10
11 By: _____

Bruce Clinton Paltenghi
Attorneys for Defendant
MCCORDUCK PROPERTIES LIVERMORE,
LLC, a Delaware limited liability company
individually and as the successor to JOHN
MCCORDUCK, KATHLEEN MCCORDUCK,
PAMELA MCCORDUCK, SANDRA
MCCORDUCK MARONA, and IMA
FINANCIAL CORPORATION, a California
corporation

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18 DATED: June __, 2010

FOLEY MCINTOSH FREY & CLAYTOR

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21 By: _____

Jim Claytor
Attorneys for Defendant
WESTERN STATES DESIGN, a California
corporation

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25 IT IS SO ORDERED

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27 Dated: 7/6/2010



1 DATED: June __, 2010

ROGERS JOSEPH O'DONNELL

2
3 By: _____

4 Robert C. Goodman
5 Attorneys for Defendant
6 CHARLES FREDERICK HARTZ dba PAUL'S
7 SPARKLE CLEANERS; CHARLES F. HARTZ,
8 an individual

9 DATED: June 21, 2010

GORDON WATROUS RYAN LANGLEY BRUNO
& PALTENGHI INC.

10
11 By:  _____

12 Bruce Clinton Paltenghi
13 Attorneys for Defendant
14 MCCORDUCK PROPERTIES LIVERMORE,
15 LLC, a Delaware limited liability company
16 individually and as the successor to JOHN
17 MCCORDUCK, KATHLEEN MCCORDUCK,
18 PAMELA MCCORDUCK, SANDRA
19 MCCORDUCK MARONA, and IMA
20 FINANCIAL CORPORATION, a California
21 corporation

22 DATED: June __, 2010

FOLEY MCINTOSH FREY & CLAYTOR

23
24 By: _____

25 Jim Claytor
26 Attorneys for Defendant
27 WESTERN STATES DESIGN, a California
28 corporation

IT IS SO ORDERED

Dated: _____

U.S. District Court Judge

1 DATED: June __, 2010

ROGERS JOSEPH O'DONNELL

2
3 By: _____

4 Robert C. Goodman
5 Attorneys for Defendant
6 CHARLES FREDERICK HARTZ dba PAUL'S
7 SPARKLE CLEANERS; CHARLES F. HARTZ,
8 an individual

9 DATED: June __, 2010

GORDON WATROUS RYAN LANGLEY BRUNO
& PALTENGHI INC.

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11 By: _____

12 Bruce Clinton Paltenghi
13 Attorneys for Defendant
14 MCCORDUCK PROPERTIES LIVERMORE,
15 LLC, a Delaware limited liability company
16 individually and as the successor to JOHN
17 MCCORDUCK, KATHLEEN MCCORDUCK,
18 PAMELA MCCORDUCK, SANDRA
19 MCCORDUCK MARONA, and IMA
20 FINANCIAL CORPORATION, a California
21 corporation

22 DATED: June 2, 2010

FOLEY MCINTOSH FREY & CLAYTOR

23
24 By:  _____

25 Jim Claytor
26 Attorneys for Defendant
27 WESTERN STATES DESIGN, a California
28 corporation

IT IS SO ORDERED

Dated: _____

U.S. District Court Judge